

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.285 of 2020

- Laxmi Narayan Gupta S/o Late Lalaram Gupta Aged About 58 Years R/o Mathpara Chandi Chowk Durg, Tehsil And District Durg, Chhattisgarh

---- Petitioner

Versus

1. Manharan Sahu S/o Late Ramu Sahu Aged About 47 Years R/o Village Khapri, P H No. 28, Tehsil And District Durg, Chhattisgarh
2. Smt. Dropati Singh W/o Shri Vinay Singh Kshetriya Aged About 36 Years R/o Ram Mandir Bhilai-3, Tehsil Patan, District Durg, Chhattisgarh
3. The State Of Chhattisgarh Through Collector Durg, District Durg, Chhattisgarh

---- Respondents

For Petitioner – Mr. Avinash Chand Sahu, Advocate.

For State/respondent No.3. – Mr.Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-03-2021

Heard.

1. This petition has been brought being aggrieved by the order dated 07.02.2020 by which the application under Order 6 Rule 17 of C.P.C. of the petitioner/plaintiff has been dismissed by the trial Court.
2. It is submitted by the learned counsel for the petitioner, that the amendments that were proposed by the petitioner were with regard to the expenditure of the execution of sale deed, in case, the relief of specific performance is granted and additional relief of possession and permanent injunction and also the pleading that the petitioner was always ready and willing for the performance of the contraction in his part.

3. It is further submitted that the learned trial Court has erroneously dismissed the application, the amendment proposed were necessary for the plaint, therefore, it is prayed that this petition may be allowed and relief be granted to the petitioner.
4. Considered on the submissions. On perusal of the copy of application under Order 6 rule 17 of C.P.C., I am of this view that the amendment proposed in paragraph 13E, 13F and 4A are relevant in the plaint and by allowing this amendment, there is no possibility of any change in the nature of the case of the plaintiff. Further, on perusal of the order sheets, it appears that the proceeding in the Civil Suit is about to enter the stage of evidence, therefore, I am of this view that the proposed amendment mentioned hereinabove should have been allowed by the trial Court for the appropriate adjudication of the Civil Suit. Hence, this petition is disposed off at the motion stage and the impugned order is set aside. The prayer for amendment of the petitioner is allowed and the learned trial Court is directed to permit the petitioner to bring amendments in paragraph No.13E, 13F and 4A in the plaint and proceed with the case in accordance with law.
5. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika